

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

RECEIVED

**WACHOVIA BANK, NATIONAL
ASSOCIATION, a national banking
association,**

Plaintiff,

V.

**ONYX CAPITAL VENTURES, L.L.C., a
limited liability company,**

Defendant.

Case Number: 2:07-mc-03364-MHT

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APPLICATION FOR WRIT OF GARNISHMENT

Plaintiff Wachovia Bank, National Association (the "Judgment Creditor") files this Application for Writ of Garnishment to the Clerk of the United States District Court for the Middle District of Alabama to issue a Writ of Garnishment upon the Judgment entered against the defendant Onyx Capital Ventures, L.L.C. (the "Judgment Debtor"), whose address is Onyx Capital Ventures, L.L.C., c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

On March 29, 2007, a Judgment was rendered by the United States District Court for the Northern District of Alabama in favor of above named plaintiff Wachovia Bank, National Association, in the amount of \$1,700,000.00 with interest in the amount of \$186,516.03 plus attorney's fees and costs in the amount of \$9,775.00 for a total judgment of \$1,896,291.03, which Judgment was duly registered with the United States District Court for the Middle District of Alabama on the 10th day of May 2007.

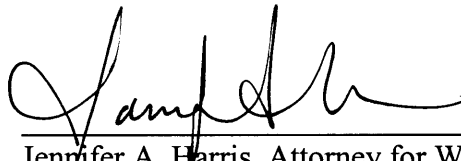
The Judgment Debtor is justly indebted to the Judgment Creditor in the amount of said Judgment, plus post-judgment interest at the prevailing legal rate and costs of this writ, less \$0.00 paid; and Bank of America, National Association (the "Garnishee"), is believed to be indebted to the Judgment Debtor, or to have effects of the Judgment Debtor, in its possession or control.

For the foregoing reasons Wachovia Bank, Nation Association, makes application to the Clerk of Court to issue a Writ of Garnishment upon the Judgment entered against the defendant Onyx, Capital Ventures, L.L.C.

The name and address of the Garnishee or it's authorized agent is:

Bank of America, National Association
The Corporation Trust Company
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

Dated this the 16th day of May 2007.

A handwritten signature in black ink, appearing to read "Jennifer A. Harris", written over a horizontal line.

Jennifer A. Harris, Attorney for Wachovia
Bank, National Association

OF COUNSEL:

BURR & FORMAN LLP
3400 Wachovia Tower
420 20th Street North
Birmingham, Alabama 35203
Phone: (205)251-3000
Fax: (205)458-5100
E-mail: jharris@burr.com

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WACHOVIA BANK, NATIONAL
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Plaintiff,

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ONYX CAPITAL VENTURES, L.L.C., a
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AFFIDAVIT FOR GARNISHMENT ON JUDGMENT

STATE OF ALABAMA)

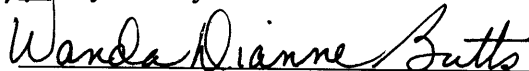
JEFFERSON COUNTY)

Before me, the undersigned authority, personally appeared Jennifer A. Harris of Burr & Forman LLP, 420 North 20th Street, Suite 3400, Birmingham, Alabama 35203, who being by me duly sworn deposes and says as follows:

I am an attorney for the above-named plaintiff; on the 29th day of March, 2007 a judgment was rendered by the United States District Court for the Northern District of Alabama in favor of above named plaintiff Wachovia Bank, National Association (the "Judgment Creditor"), and against the above-named defendant Onyx Capital Ventures, L.L.C. (the "Judgment Debtor"), in the amount of \$1,700,000.00 with interest in the amount of \$186,516.03 plus attorneys' fees and costs in the amount of \$9,775.00 for a total judgment of \$1,896,291.03, which judgment was duly registered with the United States District Court for the Middle District of Alabama on the 10th day of May 2007. The Judgment Debtor is justly indebted to the Judgment Creditor in the amount of said Judgment, plus post-judgment interest at the prevailing legal rate and costs of this writ, less \$0.00 paid; and Bank of America, National Association, hereinafter referred to as the Garnishee, is believed to be indebted to the Judgment Debtor, or to have effects of the Judgment Debtor, in its possession or control, and I believe process of garnishment against the Garnishee is necessary to obtain satisfaction of said Judgment.


Affiant

SWORN TO AND SUBSCRIBED BEFORE me this
16th day of May 2007.



NOTARY PUBLIC

My Commission Expires: 11-18-08